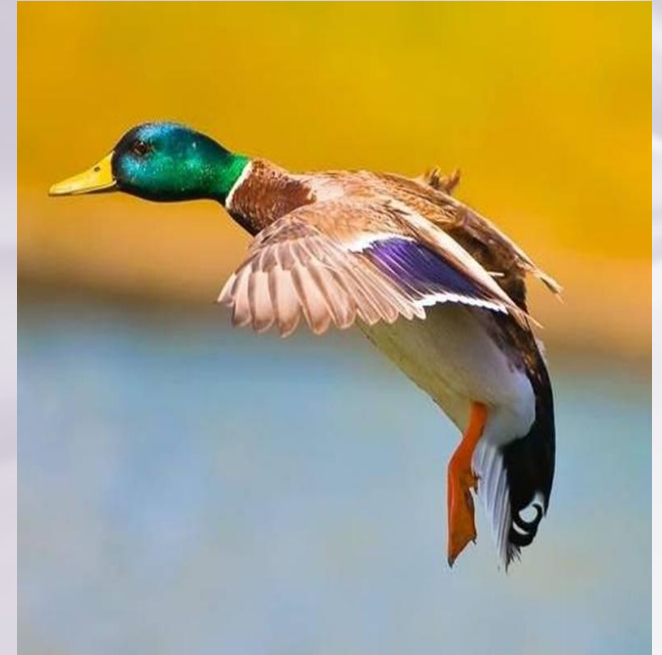


# ***DRUG & ALCOHOL PREVENTION AND TESTING***

## **NM JUDICIAL BRANCH**



*Laying the groundwork for building your own solid  
foundation for career success.*

# Handouts

- ❖ Drug Free & Alcohol Free Workplace Policy
- ❖ Drug Free & Alcohol Free Workplace Acknowledgment Form
- ❖ NM Supreme Court Order #07-8500 RE: Drug Free & Alcohol Free Workplace
  - ❖ Drug & Alcohol Testing Policy
- ❖ EAP Information (in blue orientation packet)

# First & Most Important

## Confidentiality!

Managers, supervisors and all involved parties are to keep everything strictly confidential and on a need to know basis!



Why do you think it is important to maintain confidentiality?

# Know the Warning Signs of Alcohol Abuse

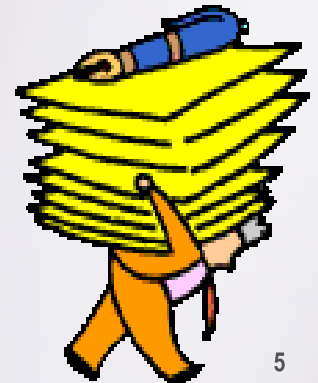
If you answer "**yes**" to any of the following questions, you may have a problem with alcohol:

- Do you drink alone when you feel angry or sad?
- Does your drinking ever make you late for work?
- Does your drinking worry your family?
- Do you ever drink after telling yourself you won't?
- Do you ever forget what you did while drinking?
- Do you get headaches or have a hangover after drinking?

# What does the Drug & Alcohol Policy mean to you?

The New Mexico Judicial Branch is committed to protecting the safety, health and well being of **all** employees and other individuals in our workplaces.

The New Mexico Judicial Branch expects all employees to be productive during work hours. Illegal drug, abuse of prescription drugs and alcohol use impairs employee productivity.



# What is the cost of Substance Abuse?



In the workplace, the problems of substance abusers become our problems. They increase risk of accident, lower productivity and morale, and compromise the court.

Working at diminished capacity, these workers increase the workloads of others, compromise quality, and can tarnish the courts' reputation.

# What are Consequences of Substance Abuse?



Compared to their non- abusing coworkers, substance abusers are:

- Ten times more likely to miss work.
- 3.6 times more likely to be involved in on-the-job accidents.
- Five times more likely to file a worker's compensation claim.
- 33% less productive.



# Signs of Substance Abuse

## **“Performance” indicators that may be associated:**

- ❖ Excessive absenteeism or tardiness.
- ❖ Lower productivity.
- ❖ Poor morale.
- ❖ Lack of motivation.
- ❖ Deteriorating work quality.
- ❖ Complaints from co-workers or supervisors.
- ❖ Increased minor accidents, mistakes.

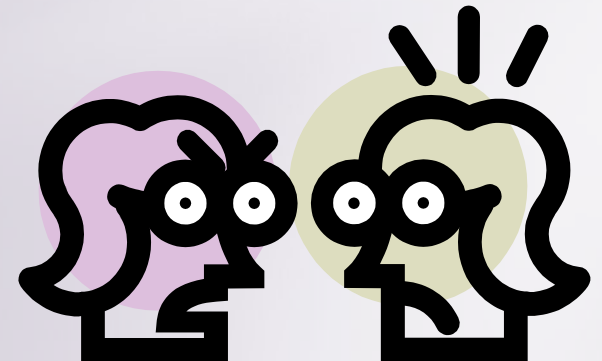




# Signs of Substance Abuse

**“Behavioral” indicators that may be associated:**

- ❖ “Explosive” arguments and disagreements over small matters.
- ❖ Secretive behavior or suspicious behavior.
- ❖ Change in relationship with co-workers .
- ❖ Unexplained changes in personality.



# Signs of Substance Abuse

## **“Behavioral” indicators that may be associated:**

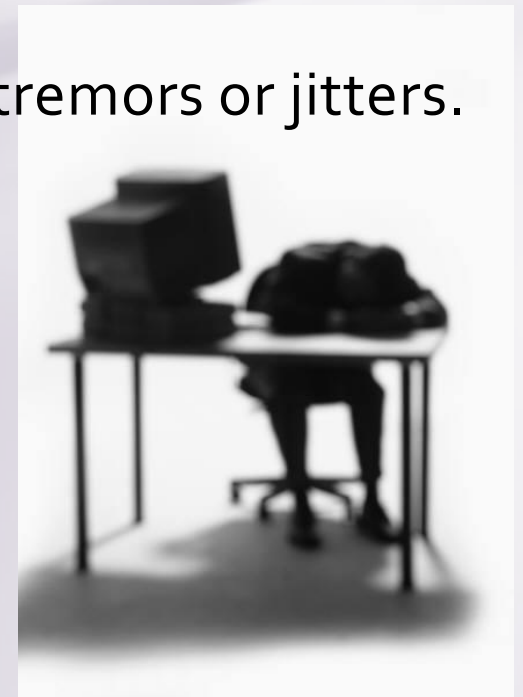
- ❖ Erratic behavior, forgetfulness, indecision, can't focus.
- ❖ Deterioration in personal appearance and hygiene.
- ❖ New financial problems or frequent borrowing of money.
- ❖ Frequently getting into trouble (fights, legal, accidents).



# Signs of Substance Abuse

## **“Physical” indicators that may be associated:**

- ❖ Bloodshot or watery eyes, pupils that are smaller or larger than normal.
- ❖ Runny or irritated nose, nose bleeds, irritating cough, sore throat.
- ❖ Speech pattern changes, slurred speech, tremors or jitters.
- ❖ Changes in appetite or sleep patters, easily fatigued or constantly fatigued.
- ❖ Unusual periods of hyper-excitability or activity.
- ❖ Frequent hangover symptoms.



# Signs of Substance Abuse

## **“Physical” indicators that may be associated:**

- ❖ Poor coordination, tripping, spilling, bumping into things and other people.
- ❖ Unusual smells on breath, body or clothing.
- ❖ Frequent injuries or accidents.



# What Happens?



An employee who, while on duty, possesses drugs or any controlled substances\* *without a valid prescription* or as otherwise authorized by law, may be subject to disciplinary action up to and including termination and shall be reported to the local law enforcement agency.

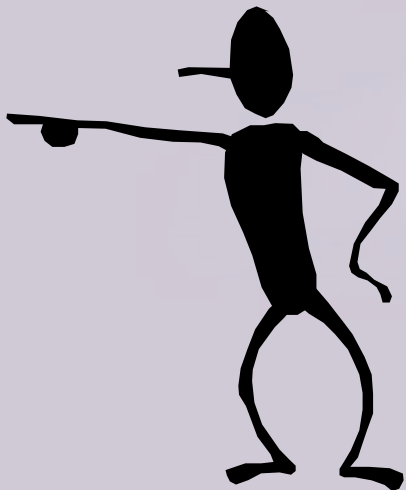
*\*Controlled Substances Act 1978, §§30-31-1 to 30-31-41*



# Drug & Alcohol Testing

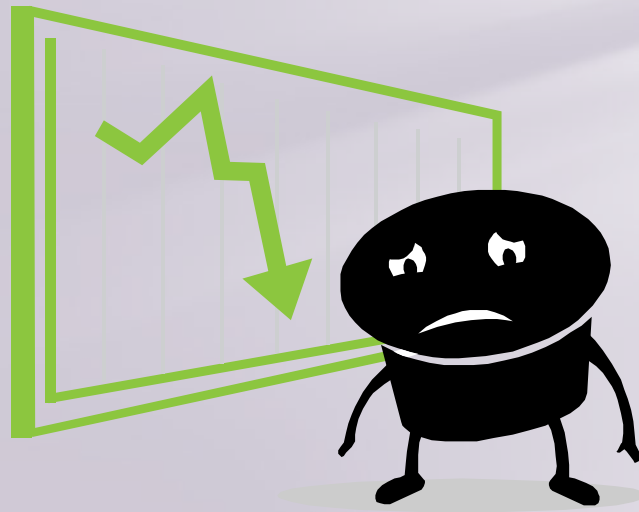


The New Mexico Judicial Branch shall require employees to undergo drug and/or alcohol testing if the judicial entity has a reasonable suspicion that the employee is *impaired* to any degree by a *controlled substance* or alcohol.



# What is Impaired?

Impaired – by the Webster's dictionary definition means: to **decrease** in strength, value, amount or quality.



# What is a controlled substance???

Controlled Substance – Any drug or other substance listed in schedules of the Controlled Substances Act (21 U.S.C. 812), and as further defined by 21 C.F.R. §1308.11 through 1308.15, including **any material which contains any quantity of methamphetamines.**



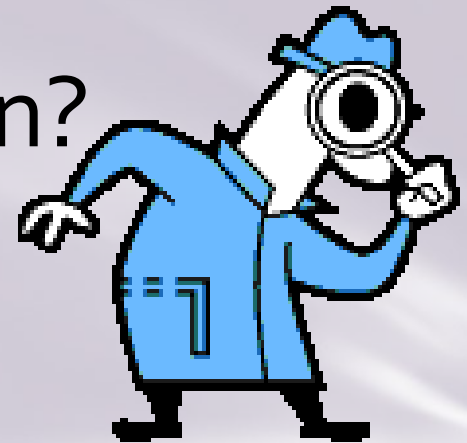


# What is a controlled substance???

Generally, these are drugs that have a high potential for abuse such as, but **not limited to**, **marijuana, cocaine, opiates, phencyclidine (PCP), heroin, amphetamines and “crack;”** metabolites of those drugs, or any non-prescription substance containing those drugs.



# What is Reasonable Suspicion?

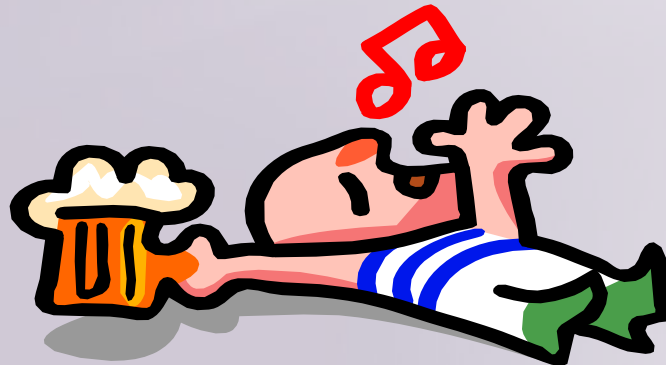


A belief drawn from specific facts and the logical inferences drawn from those facts.

If there is reasonable suspicion that any of the following circumstances have occurred, any employee may be tested:

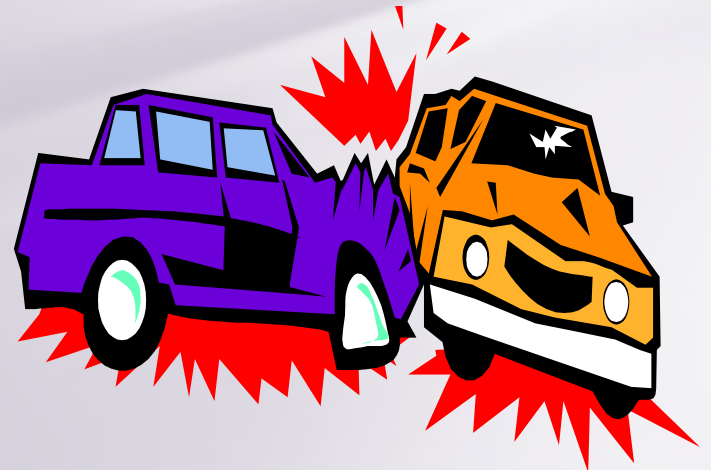
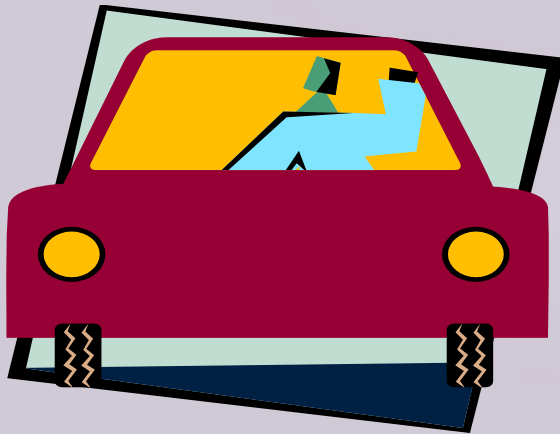
# Reasonable Suspicion if.....

- (1) the employee is impaired *to any degree* by use of a controlled substance or alcohol while on duty; or
- (2) the employee has been observed using or possessing controlled substances or drug paraphernalia, or alcohol while on duty; or



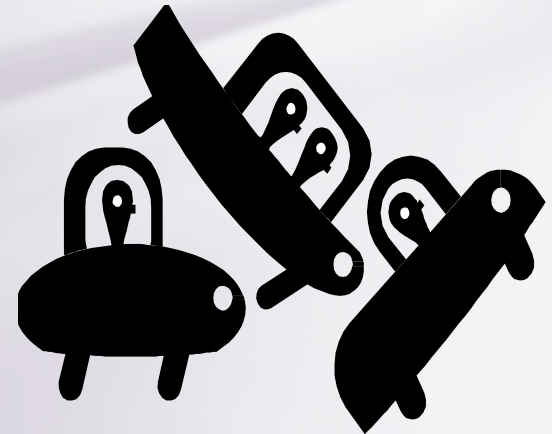
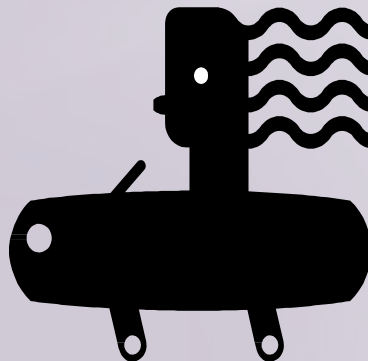
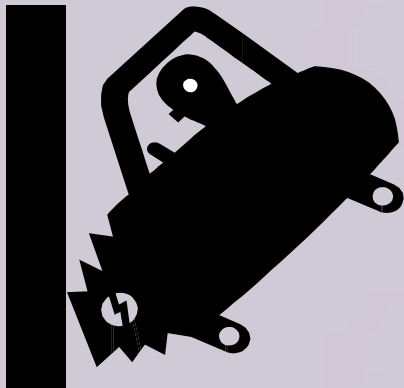
# Reasonable Suspicion if.....

- 3) the employee is operating a state vehicle and at any time while in possession of the state vehicle is involved in a vehicle accident occurring *on duty* or any time; or



# Reasonable Suspicion if.....

- (4) the employee is operating a private vehicle while on duty or state business and is involved in a vehicle accident; or



# Reasonable Suspicion if.....

- 5) the employee returns after being referred to treatment, counseling, a substance abuse or alcohol rehabilitation program at the discretion of the Administrative Authority, within 30 to 180 calendar days from the date of referral; or



(In this case the treatment itself is the reasonable suspicion.)

# Reasonable Suspicion if.....

- (6) the employee has entered into a contract to abide by the Drug Testing Policy and, as a condition of the contract, has agreed to be tested at random.



# Reasonable Suspicion Summary

Impaired @ work = test

Using or possession @ work = test

Personal car @ work + accident = test

State car ANY TIME + accident = test

Return from treatment = test





# Drinking & Lunch

What do you think:

Does the policy allow for an employee to have a drink with their lunch?



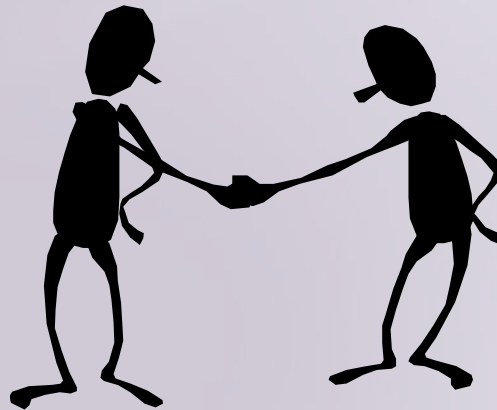
# Approval to Test

All drug and/or alcohol testing shall be first approved by the Administrative Authority, to be coordinated by the Drug Testing Coordinator.



# Drug Test Coordinator

An employee appointed by the Administrative Authority for the respective District Courts and Bernalillo County Metropolitan Courts; and an employee from AOC HR for the Supreme Court, Court of Appeals, AOC, JID, Law Library and Magistrate Courts, who coordinates all drug and/or alcohol testing for the respective judicial entity.



# Refusal to Submit to Testing

Refusal to submit to a test will be deemed a **positive test** and the employee will be subject to disciplinary action.



# Testing Laboratory

Drug and/or alcohol testing shall be performed at a laboratory certified to perform such tests.

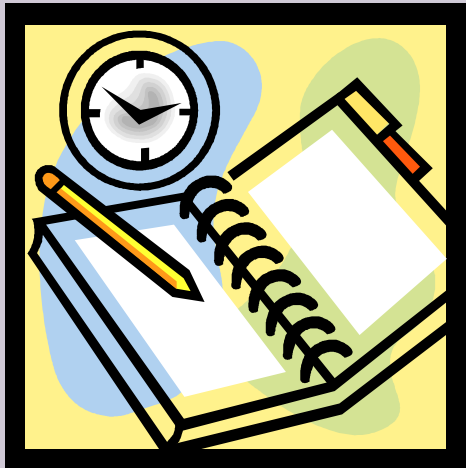
The judicial entity ordering the test generally pays all costs.

However, depending on the circumstances, the individual (employee or Judge) being tested may be required to pay all costs.



# Things to Determine Before Testing

Work with Drug Test Coordinator to determine the nearest lab location & hours.



## Determine:

- who will go with the employee,
- how you will get the employee there
- what to do after testing (*generally allow the employee to go home on paid \*administrative leave for the remainder of the work day*).

\* Administrative Leave requires the approval of the Administrative Authority BEFORE given

# Talk to the Employee

Call the employee into a private room and discuss your concerns and plan of action. Be prepared!

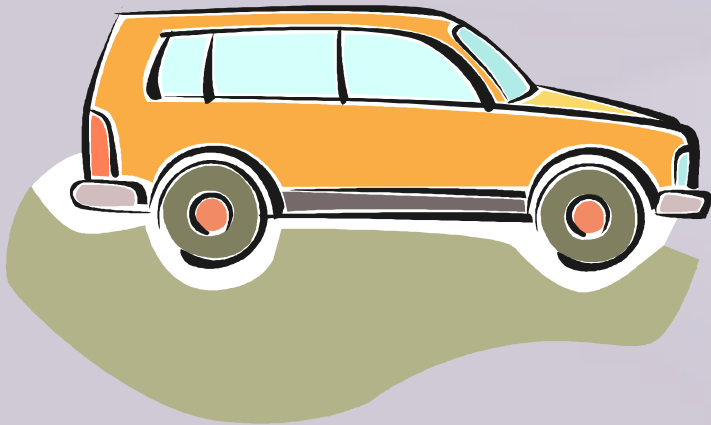


(Remember Modules 3 & 6)

# Lab Testing of the Employee

Drive the employee to the test site & wait for employee to complete the test.

Typically the laboratory will have tests results within 24 hours. Results are sent to the Administrative Authority and the Drug Test Coordinator only.





# Negative Results:

Negative Test results!

The employee returns to work ASAP.



# Positive Results:

Positive Test Results = Employee Discipline.

Work with your Administrative Authority to determine the appropriate disciplinary action.



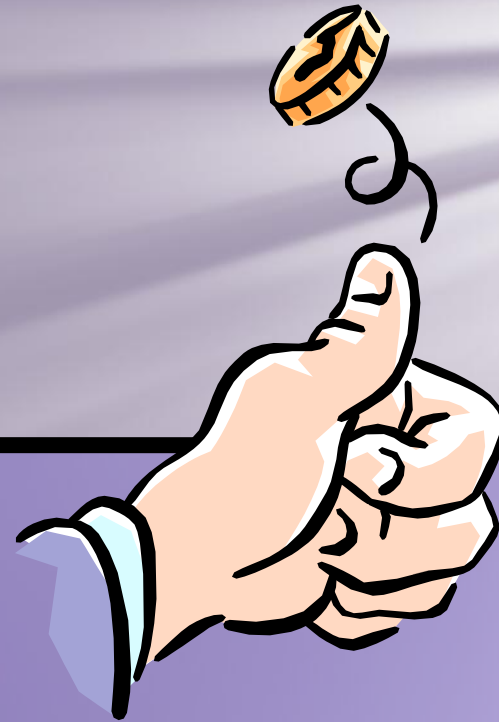
# Appeal

An employee may appeal the test results at his/her own expense and the re-test will be performed by the same laboratory on the same sample.



# *Voluntary Self Identification.*

The other side of  
the coin....




# What to do when an employee.....



comes to you and tells you they have a problem with substance abuse:

**First** - assure them that your conversation will remain as confidential *as possible*.

# Help is Available

An illustration of two hikers on a rope. One hiker is at the top of the rope, leaning forward, while the other is at the bottom, pulling up. Both are wearing backpacks.

What can I do if I or someone I know has a drinking problem?

Consult your personal health care provider if you feel you or someone you know has a drinking problem.

Resources include the **National Drug and Alcohol Treatment Referral Routing Service** available at **1-800-662-HELP**. This service can provide you with information about treatment programs in your local community and allow you to speak with someone about alcohol problems.



# Employee Assistance Plan

The Employee Assistance Plan (EAP) is here for all our employees (& family members), it is easy, free and confidential.



# How EAP works.....

The employee calls **1 866 EAP-2400** anytime and they will be provided a list of local counseling professionals who specialize in substance abuse.

The employee selects the counselor of their choice; calls and schedules their own appointment.

The first counseling sessions is free. If additional counseling sessions or treatment is required, the employee may utilize their own health insurance.





# Voluntary Self-Identification

The employee:

- Will be afforded appropriate leave benefits (FML).
- Must participate in a treatment program (at their own expense).
- Fully cooperate with the Administrative Authority and Drug Testing Coordinator.
- Must successfully complete the treatment program.



# The End

Thank you very much.

